

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

**LINDA ROLLINS**

\* **CIVIL ACTION NO. 08-0387**

**VERSUS**

\* **JUDGE JAMES**

**ST. JUDE MEDICAL, ET AL.**

\* **MAGISTRATE JUDGE HAYES**

**ORDER**

This matter was removed to federal court on the basis of diversity jurisdiction. 28 U.S.C. § 1332. When jurisdiction depends on citizenship, “citizenship must be ‘*distinctly and affirmatively* alleged.’” *Getty Oil, Div. Of Texaco v. Ins. Co. of North America*, 841 F.2d 1254, 1259 (5th Cir. 1988)(citation omitted)(emphasis in citing source). This rule requires “strict adherence.” *Id.* For purposes of diversity, the citizenship of a limited partnership is determined by each of its partners. *Corfield v. Dallas Glen Hills LP*, 355 F.3d 853, 856 (5<sup>th</sup> Cir. 2003)(citation omitted). Here, however, removing defendants have not identified the citizenship of the partners that comprise Tyco Healthcare Group LP. (*See*, Notice of Removal, ¶ 13).

Accordingly, within ten days from the date of this order, defendants are granted leave of court to file an amended notice of removal which establishes diversity jurisdiction. *See*, 28 U.S.C. §1653. If defendants fail to so comply, or if subject matter jurisdiction is found to be lacking, then the matter will be remanded to state court.

IT IS SO ORDERED.

THUS DONE AND SIGNED at Monroe, Louisiana, this 9<sup>th</sup> day of April, 2008.

  
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KAREN L. HAYES  
U. S. MAGISTRATE JUDGE